

House Bill 1194

By: Representatives Gardner of the 57th, Hembree of the 67th, Maddox of the 172nd, and
Heard of the 104th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to animal protection, so as to provide that dogs and cats transported into this state for sale or offered for sale in this state shall be protected against certain diseases and parasites; to provide for examinations and certifications by veterinarians; to provide for certain rights of purchasers of dogs and cats; to provide for notices and representations to purchasers; to provide for enforcement and penalties for violations; to amend Chapter 19 of Title 31 of the Official Code of Georgia Annotated, relating to control of rabies, so as to change certain provisions relating to inoculation of canines and felines against rabies; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 4 of the Official Code of Georgia Annotated, relating to animal protection, is amended by adding a new article to read as follows:

"ARTICLE 3

4-11-40.

As used in this article, the term:

(1) 'Official certificate of veterinary inspection' means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture that shows the age, sex, breed, color, and health record of the dog or cat, the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, the examining veterinarian, and the veterinarian's license number.

(2) 'Pet dealer' means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer.

4-11-41.

(a)(1) For each dog transported into this state for sale, the tests, vaccines, and anthelmintics required by this Code section shall be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics shall be administered no more than 30 days and no less than 14 days before the dog's entry into the state. The official certificate of veterinary inspection certifying compliance with this Code section shall accompany each dog transported into the state for sale.

(2) For each dog offered for sale within this state, the tests, vaccines, and anthelmintics required by this Code section shall be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics shall be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog shall receive vaccines and anthelmintics against the following diseases and internal parasites:

(A) Canine distemper;

(B) Leptospirosis;

(C) Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which shall be administered in this state once before sale);

(D) Parainfluenza;

(E) Hepatitis;

(F) Canine parvo;

(G) Rabies, provided the dog is over three months of age and the inoculation is administered by a licensed veterinarian;

(H) Roundworms; and

(I) Hookworms.

1 If the dog is under four months of age, the tests, vaccines, and anthelmintics required by
2 this Code section shall be administered no more than 21 days before sale within the state.

3 If the dog is four months of age or older, the tests, vaccines, and anthelmintics required by
4 this Code section shall be administered at or after three months of age, but no more than
5 one year before sale within the state.

6 (b)(1) For each cat transported into this state for sale, the tests, vaccines, and
7 anthelmintics required by this Code section shall be administered by or under the
8 direction of a veterinarian, licensed by the state of origin and accredited by the United
9 States Department of Agriculture, who issues the official certificate of veterinary
10 inspection. The tests, vaccines, and anthelmintics shall be administered no more than 30
11 days and no less than 14 days before the cat's entry into the state. The official certificate
12 of veterinary inspection certifying compliance with this Code section shall accompany
13 each cat transported into the state for sale.

14 (2) For each cat offered for sale within this state, the tests, vaccines, and anthelmintics
15 required by this Code section shall be administered by or under the direction of a
16 veterinarian, licensed by the state and accredited by the United States Department of
17 Agriculture, who issues the official certificate of veterinary inspection. The tests,
18 vaccines, and anthelmintics shall be administered before the cat is offered for sale in the
19 state, unless the licensed, accredited veterinarian certifies on the official certificate of
20 veterinary inspection that to inoculate or deworm the cat is not in the best medical interest
21 of the cat, in which case the vaccine or anthelmintic may not be administered to that
22 particular cat. Each cat shall receive vaccines and anthelmintics against the following
23 diseases and internal parasites:

24 (A) Panleukopenia;

25 (B) Feline viral rhinotracheitis;

26 (C) Calici virus;

27 (D) Rabies, if the cat is over three months of age and the inoculation is administered
28 by a licensed veterinarian;

29 (E) Hookworms; and

30 (F) Roundworms.

31 If the cat is under four months of age, the tests, vaccines, and anthelmintics required by this
32 Code section shall be administered no more than 21 days before sale within the state. If
33 the cat is four months of age or older, the tests, vaccines, and anthelmintics required by this
34 Code section shall be administered at or after three months of age, but no more than one
35 year before sale within the state.

36 (c)(1) Each dog or cat subject to subsection (a) or (b) of this Code section shall be
37 accompanied by a current official certificate of veterinary inspection at all times while

1 being offered for sale within the state. The examining veterinarian shall retain one copy
2 of the official certificate of veterinary inspection on file for at least one year after the date
3 of examination. At the time of sale of the animal, one copy of the official certificate of
4 veterinary inspection shall be given to the buyer. The seller shall retain one copy of the
5 official certificate of veterinary inspection on record for at least one year after the date
6 of sale.

7 (2) The official certificate of veterinary inspection shall list all vaccines and deworming
8 medications administered to the dog or cat, including the manufacturer, vaccine, type, lot
9 number, expiration date, and the dates of administration thereof, and shall state that the
10 examining veterinarian warrants that, to the best of his or her knowledge, the animal has
11 no sign of contagious or infectious diseases and has no evidence of internal or external
12 parasites, including coccidiosis and ear mites, but excluding fleas and ticks. The
13 department shall supply the official intrastate certificate of veterinary inspection required
14 by this Code section at cost.

15 (3) The examination of each dog and cat by a veterinarian shall take place no more than
16 30 days before the sale within this state. The examination shall include, but not be
17 limited to, a fecal test to determine if the dog or cat is free of internal parasites, including
18 hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the
19 dog or cat shall be treated with a specific anthelmintic. In the absence of a definitive
20 parasitic diagnosis, each dog or cat shall be given a broad spectrum anthelmintic. Each
21 dog over six months of age shall also be tested for heartworms. Each cat shall also be
22 tested for feline leukemia before being offered for sale in the state. All of such tests shall
23 be performed by or under the supervision of a licensed veterinarian, and the results of the
24 tests shall be listed on the official certificate of veterinary inspection.

25 (4) All dogs and cats offered for sale in this state and copies of certificates held by the
26 seller and veterinarian shall be subject to inspection by any agent of the department, any
27 agent of the United States Department of Agriculture, any law enforcement officer, or
28 any county or municipal rabies control officer.

29 (d) No person shall transport into this state for sale or offer for sale within this state any
30 dog or cat that is less than eight weeks of age.

31 (e) If, within 14 days following the sale by a pet dealer of an animal subject to this Code
32 section, a licensed veterinarian of the consumer's choosing certifies that, at the time of the
33 sale, the animal was unfit for purchase due to illness or disease, the presence of symptoms
34 of a contagious or infectious disease, or the presence of internal or external parasites,
35 excluding fleas and ticks; or if, within one year following the sale of an animal subject to
36 this Code section, a licensed veterinarian of the consumer's choosing certifies such animal
37 to be unfit for purchase due to a congenital or hereditary disorder which adversely affects

1 the health of the animal; or if, within one year following the sale of an animal subject to
2 this Code section, the breed, sex, or health of such animal is found to have been
3 misrepresented to the consumer, the pet dealer shall afford the consumer the right to choose
4 one of the following options:

5 (1) The right to return the animal and receive a refund of the purchase price, including
6 but not limited to sales tax, and reimbursement for reasonable veterinary costs directly
7 related to the veterinarian's examination and certification that the dog or cat is unfit for
8 purchase pursuant to this Code section and directly related to necessary emergency
9 services and treatment undertaken to relieve suffering;

10 (2) The right to return the animal and receive an exchange dog or cat of the consumer's
11 choice of equivalent value, and reimbursement for reasonable veterinary costs directly
12 related to the veterinarian's examination and certification that the dog or cat is unfit for
13 purchase pursuant to this Code section and directly related to necessary emergency
14 services and treatment undertaken to relieve suffering; or

15 (3) The right to retain the animal and receive reimbursement for reasonable veterinary
16 costs for necessary services and treatment related to the attempt to cure or curing of the
17 dog or cat.

18 Reimbursement for veterinary costs shall not exceed the purchase price of the animal. The
19 cost of veterinary services is reasonable if comparable to the cost of similar services
20 rendered by other licensed veterinarians in proximity to the treating veterinarian and the
21 services rendered are appropriate for the certification by the veterinarian.

22 (f) A pet dealer shall disclose at the time of sale, verbally and in writing to the consumer,
23 the presence of any and all known specific congenital or hereditary defects or disorders,
24 in which case the consumer shall have no right to any refund or exchange for those
25 disorders. Such disclosure by a pet dealer shall be made to the consumer verbally by
26 reviewing related documentation and a disclosure statement in addition to documentation
27 or a description provided by a licensed veterinarian specifying the defect or disorder and
28 any known consequences of the defect or disorder. Pet dealers shall obtain a signature
29 from the consumer acknowledging verbal disclosure and receipt of veterinary
30 documentation provided by a licensed veterinarian related to the specified defect or
31 disorder. Such signatures shall be on a separate piece of paper titled 'Notice of Congenital
32 or Hereditary Defect or Disorder' and shall state the specific defect or disorder and the
33 language 'Consumer has no right to any refund or exchange for disorders or defects
34 described below.'

35 (g) The refund or exchange required by subsection (e) or (f) of this Code section shall be
36 made by the pet dealer not later than ten business days following receipt of a signed
37 veterinary certification as required in subsection (e) or (f) of this Code section. The

1 consumer shall notify the pet dealer within two business days after the veterinarian's
2 determination that the animal is unfit. The written certification of unfitness shall be
3 presented to the pet dealer not later than three business days following receipt thereof by
4 the consumer.

5 (h) An animal shall not be determined unfit for sale on account of an injury sustained or
6 illness contracted after the consumer takes possession of the animal. A veterinary finding
7 of intestinal or external parasites shall not be grounds for declaring a dog or cat unfit for
8 sale unless the animal is clinically ill because of that condition.

9 (i) If a pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange
10 made by a consumer under this Code section, the dealer may require the consumer to
11 produce the animal for examination by a licensed veterinarian designated by the dealer.
12 Upon such examination, if the consumer and the dealer are unable to reach an agreement
13 that constitutes one of the options set forth in subsection (e) or (f) of this Code section
14 within ten business days following receipt of the animal for such examination, the
15 consumer may initiate an action in a court of competent jurisdiction to recover or obtain
16 reimbursement of veterinary expenses, refund, or exchange.

17 (j) This Code section shall not in any way limit the rights or remedies that are otherwise
18 available to any consumer under any other law.

19 (k) Any pet dealer who sells an animal to a consumer shall provide the consumer at the
20 time of sale with a written notice, printed or typed, which reads as follows:

21 'It is the consumer's right to receive a certificate of veterinary inspection with each dog
22 or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming
23 medications administered to the animal and shall state that the animal has been examined
24 by a Georgia-licensed veterinarian who certifies that, to the best of the veterinarian's
25 knowledge, the animal was found to have been healthy at the time of the veterinary
26 examination. In the event that the consumer purchases the animal and finds it to have
27 been unfit for purchase, the consumer shall notify the pet dealer within two business days
28 of the veterinarian's determination that the animal was unfit. The consumer has the right
29 to retain, return, or exchange the animal and receive reimbursement for certain related
30 veterinary services rendered to the animal, subject to the right of the dealer to have the
31 animal examined by another veterinarian.'

32 (l) The Commissioner of Agriculture may bring an action to enjoin any violator of this
33 Code section from being a pet dealer.

34 (m) County-operated or city-operated animal control agencies and registered nonprofit
35 humane organizations shall be exempt from this Code section.

36 (n) A pet dealer shall not knowingly misrepresent the breed, sex, or health of any dog or
37 cat offered for sale within this state.

(o) Every pet dealer shall, at the time of sale, deliver to the purchaser of each animal a written statement containing the following information:

(1) The date of the animal's birth, if known;

(2) The breeder's name and address, if known. If not known, the pet dealer shall provide the name and address of the person who sold or gave the animal to the pet dealer; and

(3) The date the pet dealer received the animal, if not bred by the pet dealer.

(p) Any violation of this Code section shall be a misdemeanor."

SECTION 2.

Chapter 19 of Title 31 of the Official Code of Georgia Annotated, relating to control of rabies, is amended by revising Code Section 31-19-5, relating to inoculation of canines and felines against rabies, as follows:

"31-19-5.

The county boards of health are empowered and required to adopt and promulgate rules and regulations requiring canines and felines to be inoculated against rabies and to prescribe the intervals and means of inoculation, the fees to be paid in county sponsored clinics, that procedures be in compliance with the recommendations of the National Association of State Public Health Veterinarians for identifying inoculated canines and felines, and all other procedures applicable thereto; provided, however, that such animals transported into this state for sale or offered for sale in this state shall be subject to the requirements of Article 3 of Chapter 11 of Title 4. As used in this chapter, the term 'inoculation against rabies' means the administering by a licensed veterinarian of antirabies vaccine approved by the department."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.